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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,816	06/24/2005	Seiki Tamura	71,051-011	6348
27305 7590 05/14/2008 HOWARD & HOWARD ATTORNEYS, P.C. THE PINEHURST OFFICE CENTER, SUITE #101 39400 WOODWARD AVENUE BLOOMFIELD HILLS, MI 48304-5151				
EXAMINER				
MATTISON, LORI K				
ART UNIT		PAPER NUMBER		
4161				
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05/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,816

Applicant(s)

TAMURA, SEIKI

Examiner

LORI K. MATTISON

Art Unit

4161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-14 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1 and 2, drawn to a composition with block copolymer A.

Group II, claim(s) 3, drawn to drawn to a composition comprising block copolymer A and block copolymer B.

Group III, claim(s) 4 and 5, drawn to a composition comprising block copolymer A and silicone compound C.

Group IV, claim(s) 6, drawn to a composition comprising block copolymer A and surface-acting agent D.

Group V, claim(s) 7, drawn to a composition comprising block copolymer A and surface-acting agent E.

Group VI, claim(s) 8, drawn to a composition comprising block copolymer A and a water soluble polymer F.

Group VII, claim(s) 9, drawn to a composition comprising block copolymer A and liquid cyclic silicone G.

Group VIII, claim(s) 10, drawn to a composition comprising block copolymer A and liquid chain silicone H.

Group IX, claim(s) 11, drawn to a composition comprising block copolymer A and liquid isoparaffin-type hydrocarbon (I).

Group X, claim(s) 12, drawn to a composition comprising block copolymer A and liquid or hard ester oil (J).

Group XI, claim(s) 13 and 14, drawn to a composition comprising block copolymer A and a solvent.

2. The inventions listed as Groups I-XI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: they do not share the same structural element(s) that define the "special technical feature" necessary to specify a contribution over the prior art. The structural moiety, element, or step common to **Groups I-XI** is block copolymer A, which is known in the art [see claim 1 of the X Reference (JP 09 -059132; Inventors Ando *et al.*) on the international search report for PCT 16566] and therefore, cannot be said to be the special technical feature that makes a contribution over the prior art .All other structural moieties, elements, or steps differ materially from one another. Thus, these claims lack the corresponding special technical feature(s) necessary to link them together to fulfill the Unity of Invention requirement.

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

If applicant elects Group I the following species election is required:

a) Applicant must elect a single species of single block copolymer A. The election must define the ultimate species of copolymer, by providing the name and/or chemical formula, with no alternative units or moieties left undefined. The presence or absence of optional moieties must be specified (e.g. the group C_8H_6O may be absent if $b_2=0$; Applicant must specify whether this group is present or absent).

If applicant elects Group II the following species election is required:

a) Applicant must elect a single species of single block copolymer A. The election must define the ultimate species of copolymer, by providing the name and/or chemical formula, with no alternative units or moieties left undefined. The presence or absence of optional moieties must be specified (e.g. the group C_8H_6O may be absent if $b_2=0$; Applicant must specify whether this group is present or absent).

-AND-

b) Applicant must elect a single species of single block copolymer B. The election must define the ultimate species of copolymer, by providing the name and/or chemical formula, with no alternative units or moieties left undefined. The presence or absence of optional moieties must be specified (e.g. the group C_8H_6O may be absent if $b_4=0$; Applicant must specify whether this group is present or absent).

If applicant elects Group III the following species election is required:

a) Applicant must elect a single species of single block copolymer A. The election must define the ultimate species of copolymer, by providing the name and/or chemical formula, with no alternative units or moieties left undefined. The presence or absence of optional moieties must be specified (e.g. the group C_8H_6O may be absent if $b_2=0$; Applicant must specify whether this group is present or absent).

-AND-

b) Applicant must elect a single species of silicone compound C. The election must define the ultimate species of silicone compound, by providing the name and/or chemical formula, with no alternative units or moieties left undefined. The presence or absence of optional moieties must be specified (e.g. "r" may be $=0$; Applicant must specify whether this group is present or absent).

If applicant elects Group IV the following species election is required:

a) Applicant must elect a single species of single block copolymer A. The election must define the ultimate species of copolymer, by providing the name and/or chemical formula, with no alternative units or moieties left undefined. The presence or absence of optional moieties must be specified (e.g. the group C_8H_6O may be absent if $b_2=0$; Applicant must specify whether this group is present or absent).

-AND-

b) Applicant must elect a single species of cationic surface-active agent.

The election must define the ultimate species cationic surface-active agent, by providing the name and/or chemical formula, with no alternative units or moieties left undefined.

If applicant elects Group V the following species election is required:

a) Applicant must elect a single species of single block copolymer A. The election must define the ultimate species of copolymer, by providing the name and/or chemical formula, with no alternative units or moieties left undefined. The presence or absence of optional moieties must be specified (e.g. the group C_8H_6O may be absent if $b_2=0$; Applicant must specify whether this group is present or absent).

-AND-

b) Applicant must elect a single species of cationic surface-active agent from disclosed surface active agent E by providing the name and/or chemical formula.

If applicant elects Group VI the following species election is required:

a) Applicant must elect a single species of single block copolymer A. The election must define the ultimate species of copolymer, by providing the name and/or chemical formula, with no alternative units or moieties left undefined. The presence or absence of optional moieties must be

specified (e.g. the group C_8H_6O may be absent if $b_2=0$; Applicant must specify whether this group is present or absent).

-AND-

b) Applicant must elect a single species of water soluble polymer from disclosed water soluble polymer F by providing the name and/or chemical formula.

If applicant elects Group VII the following species election is required:

a) Applicant must elect a single species of single block copolymer A. The election must define the ultimate species of copolymer, by providing the name and/or chemical formula, with no alternative units or moieties left undefined. The presence or absence of optional moieties must be specified (e.g. the group C_8H_6O may be absent if $b_2=0$; Applicant must specify whether this group is present or absent).

-AND-

b) Applicant must elect a single species of liquid cyclic silicone G from disclosed liquid cyclic silicone G by providing the name and/or chemical formula.

If applicant elects Group VIII the following species election is required:

a) Applicant must elect a single species of single block copolymer A. The election must define the ultimate species of copolymer, by providing the

name and/or chemical formula, with no alternative units or moieties left undefined. The presence or absence of optional moieties must be specified (e.g. the group C_8H_6O may be absent if $b_2=0$; Applicant must specify whether this group is present or absent).

-AND-

b) Applicant must elect a single species of liquid chain silicone H from disclosed liquid chain silicone H by providing the name and/or chemical formula.

If applicant elects Group IX the following species election is required:

a) Applicant must elect a single species of single block copolymer A. The election must define the ultimate species of copolymer, by providing the name and/or chemical formula, with no alternative units or moieties left undefined. The presence or absence of optional moieties must be specified (e.g. the group C_8H_6O may be absent if $b_2=0$; Applicant must specify whether this group is present or absent).

-AND-

b) Applicant must elect a single species of liquid isoparaffin-type hydrocarbon (I) from disclosed liquid isoparaffin-type hydrocarbon (I). . The election must define the ultimate species of liquid isoparaffin-type hydrocarbon by providing the name and/or chemical formula.

If applicant elects Group X the following species election is required:

a) Applicant must elect a single species of single block copolymer A. The election must define the ultimate species of copolymer, by providing the name and/or chemical formula, with no alternative units or moieties left undefined. The presence or absence of optional moieties must be specified (e.g. the group C_8H_6O may be absent if $b_2=0$; Applicant must specify whether this group is present or absent).

-AND-

b) Applicant must elect a single species of liquid ester or hard ester oil from disclosed liquid ester or hard ester oil (J) by providing the name and/or chemical formula.

If applicant elects Group XI the following species election is required:

a) Applicant must elect a single species of single block copolymer A. The election must define the ultimate species of copolymer, by providing the name and/or chemical formula, with no alternative units or moieties left undefined. The presence or absence of optional moieties must be specified (e.g. the group C_8H_6O may be absent if $b_2=0$; Applicant must specify whether this group is present or absent).

-AND-

b) Applicant must elect a single species of solvent from disclosed solvent (K) by providing the name and/or chemical formula.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

4. The claims are deemed to correspond to the species listed above in the following manner:

- a) block copolymer A (claims 1-14)
- b) block copolymer B (claim 3)
- c) silicone compound C (claims 4 and 5)
- d) cationic surface-active agent D (claim 6)
- e) surface active agent E (claim 7)
- f) water soluble polymer F (claim 8)
- g) liquid cyclic silicone G (claim 9)
- h) liquid chain silicone H (claim 10)
- i) liquid isoparaffin-type hydrocarbon I (claim 11)
- j) liquid ester or hard ester oil J (claim 12)

k) solvent K (claims 13 and 14)

The following claim(s) are generic:

Group I, claim(s) 1, 2

Group II-claim 3

Group III-claim(s) 4

Group IV-claim 6

Group V-claim 7

Group VI-claim 8

Group VII-claim 9

Group VIII-claim 10

Group IX- claim 11

Group X- claim 12

Group XI, claim(s) 13

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: single block copolymer A is known in the art, therefore it can not be the special technical feature.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). A complete response will also include an election of species consonant with the requirement set forth herein, and a listing of claims

Art Unit: 4161

readable on the elected species. Applicant is reminded that should any new claim(s) be added at a later time, Applicant is obliged to determine whether or not the newly added claim(s) read on the elected species and to make a statement to this effect at the time that the claim(s) are added.

/Lori K Mattison /

Examiner, Art Unit 4161

/Patrick J. Nolan/

Supervisory Patent Examiner, Art Unit 4161